



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/149,984	09/09/98	MOSHER, JR	W PRECI-P5407

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LM01/1217

EXAMINER

SWANN III, G

ART UNIT

PAPER NUMBER

2736

DATE MAILED:

12/17/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/149,984

Applicant(s)
Mosher, Jr.

Examiner
Glen R. Swann III

Group Art Unit
2736



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 10, 11, and 16 is/are allowed.

☒ Claim(s) 1-3, 6-9, and 12-15 is/are rejected.

☒ Claim(s) 1-6 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. in view of Tuttle. Ross et al. (figure 2) discloses an identification wrist band for emitting an RFID signal generally as claimed, except for the laminar construction of the wrist band. In that Ross et al. discloses construction the wrist band from thermo plastic material (column 4, lines 8-9), it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the band as per the technique of Tuttle, that process providing a durable and inexpensive method of mounting RFID circuitry. As for claims 8 and 14, conductive inks are well known for construction of electronic circuits and their use in this specific instance would have been an obvious design choice.
3. Claims 3, 6, 9, 12, and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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There is no disclosure of "polymer" (claim 3) or "polymeric" (claims 6, 9, 12, & 15) materials usable to construct the *circuitry* of the invention, as opposed to the wrist band.

4. Claims 1-6 are objected to because of the following informalities: In line 10 of claim 1, "a" should be deleted.. Appropriate correction is required.
5. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 3, 6, 9, 12, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reader of claims 7-12 and the fabrication method of claims 13-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glen Swann whose telephone number is (703) 305-4384. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached at (703) 305-4717.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal communications -- please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


GLEN SWANN
PRIMARY EXAMINER

SWANN:grs
December 14, 1998